

REMARKS

This is in full and timely response to the Office Action mailed on May 31, 2005. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 1-2, 4-11, and 28-43 are currently pending in this application, with claims 1, 5, 6, 10, 11, 28, 32, 35, 37, 40, and 42 being independent.

No new matter has been added.

New non-final Office Action

If the allowance of claims 1-2 and 4-11 is not forthcoming at the very least and a new grounds of rejection made, then a **new non-final Office Action** is respectfully requested at least for the following reasons.

Newly added claims

Previously withdrawn claims 12-27 are provided as newly added claims 28-43.

Election/Restriction

The Office Action of June 14, 2004 includes a restriction requirement under 35 U.S.C. §121. An election with traverse of that restriction requirement is found within the Response to Election of Invention filed on July 12, 2004. The Office Action of August 13, 2004 withdrew from consideration claims drawn the alleged non-elected invention.

Accordingly, a Petition Under 37 C.F.R. §1.144 requesting review of the restriction requirement made the Office Action of June 14, 2004 is provided along with this Amendment.

Timely review and consideration of the Petition along with the rejoinder of the allegedly distinct inventions is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 1-11 were rejected under 35 U.S.C. §103 as allegedly being obvious over U.S. Patent No. 6,879,962 to Smith et al. (Smith) in view of Japanese Patent Application No. 04-335460 to Tetsuya.

This rejection is traversed at least for the following reasons.

The Office Action admits that Smith fails to disclose, teach or suggest *a physical distribution expense calculation processing step of calculating physical distribution expenses necessary for delivery of the cargo to the destination* (Office Action at page 3). The Office Action cites Tetsuya for the features admittedly deficient from within Smith.

Without the benefit of an English translation of Tetsuya, the Abstract found within this reference arguably teaches that the device is provided with a scale 11 for measuring the length of a cargo 23 to be delivered, a sensor for reading electrically a length-measured value of the scale 11, a keyboard 13 containing ten keys, a controller containing a CPU, a display 14 connected to the controller, and a case 16 for containing them integrally, and the controller is provided with an arithmetic means for calculating a delivery charge of the cargo 23 from the telephone number or the delivery zone number of a delivery destination of the cargo 23 inputted from the keyboard 13, and dimensions of the cargo 23 and weight of the cargo 23 inputted from the sensor (Tetsuya at Abstract).

Claims 1-4: While not conceding the propriety of these rejections and in order to advance the prosecution of the above-identified application, the features of claim 3 have been wholly incorporated into claim 1 to form amended claim 1. Thus, prior claim 3 is now amended claim 1.

Claim 1 provides that, *in said physical distribution expense calculation processing step, physical distribution expenses to the destination are calculated by reference to physical distribution expenses at every transportation route in cargo details of shipping instruction information.*

The Office Action has failed to show that *a calculation by reference to physical distribution expenses at every transportation route in cargo details of shipping instruction information* is found within Tetsuya. As also noted hereinabove, the Office Action admits that this feature is absent from within Smith.

Claim 5: Claim 5 provides that *the physical distribution expenses to the destination are calculated by reference to physical distribution expenses at every transportation route in cargo details of shipping instruction information.*

The Office Action has failed to show that *a calculation by reference to physical distribution expenses at every transportation route in cargo details of shipping instruction information* is found within Tetsuya. As also noted hereinabove, the Office Action admits that this feature is absent from within Smith.

Claims 6-9: While not conceding the propriety of these rejections and in order to advance the prosecution of the above-identified application, the features of claim 8 have been wholly incorporated into claim 6 to form amended claim 6. Thus, prior claim 8 is now amended claim 6.

Claim 6 provides that, *said physical distribution expense calculation processing section is provided with a master file necessary for calculation of physical distribution expenses to the*

destination by reference to physical distribution expenses at every transportation route in cargo details of shipping instruction information, and a database for management of the master file.

The Office Action has failed to show that *a calculation of physical distribution expenses to the destination by reference to physical distribution expenses at every transportation route in cargo details of shipping instruction information, and a database for management of the master file* is found within Tetsuya. As also noted hereinabove, the Office Action admits that this feature is absent from within Smith.

Claim 10: Claim 10 includes the step of *calculating physical distribution expenses in a deduced transportation route of the cargo after said step of confirming the stock information of the cargo.*

The Office Action has failed to show the step of *calculating physical distribution expenses in a deduced transportation route of the cargo after said step of confirming the stock information of the cargo* is found within Tetsuya. As also noted hereinabove, the Office Action admits that this feature is absent from within Smith.

The Office Action has failed to show the step of delivering the calculated physical distribution expenses to a consignor side.

Claim 11: Smith arguably teaches that database 106 stores the relevant inputs and outputs, client specifications regarding inputs and outputs, client messages and types of messages in response to signals, and so forth (Smith at column 12, lines 31-33).

Smith arguably teaches that database 106 may include a wide variety of information such as contact numbers, emergency numbers for different regions, and the like so as to be able to offer a wide array of possible types of communication including even partially non-automated communications such as notification to an operator to contact a client by telephone, radio, or the like (Smith at column 12, lines 39-45).

Tetsuya arguably teaches a device provided with a scale 11.

However, Smith and Tetsuya, either individually or in combination, fails to disclose, teach or suggest the claimed step of *taking out shipping instruction information stored in a shipping instruction database*.

Moreover, the step of *taking out a transport schedule stored in a transport schedule database* is found neither in Smith nor in Tetsuya.

Also absent from Smith and Tetsuya, either individually or as a whole, is the claimed step of *determining a cargo transportation route in conformity with said shipping instruction on a basis of said shipping instruction information and said transport schedule*.

At least for the reasons previously noted, the step of *selecting an preferable physical distribution trader among physical distribution traders covering said determined cargo transportation route in a physical distribution trader list resisted in a nomination database* is absent from Smith and Tetsuya, either individually or as a whole.

The step of *delivering determined shipping instruction information to said selected physical distribution trader by means of communication network lines* is found neither in Smith nor in Tetsuya.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion


For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

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Respectfully submitted,

By 

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